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AZ CORP COMMISSION
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7 Attorneys for Denise Bensusan

8 **BEFORE THE ARIZONA CORPORATION COMMISSION**

9 KRISTIN K. MAYES, Chairman
10 GARY PIERCE
11 PAUL NEWMAN
12 SANDRA D. KENNEDY
13 BOB STUMP

14 IN THE MATTER OF THE APPLICATION
15 OF HUALAPAI VALLEY SOLAR LLC, IN
16 CONFORMANCE WITH THE
17 REQUIREMENTS OF ARIZONA REVISED
18 STATUTES §§ 40-360.03 AND 40-360.06,
19 FOR A CERTIFICATE OF
20 ENVIRONMENTAL COMPATIBILITY
21 AUTHORIZING CONSTRUCTION OF THE
22 HVS PROJECT, A 340 MW PARABOLIC
23 TROUGH CONCENTRATING SOLAR
24 THERMAL GENERATING FACILITY AND
25 AN ASSOCIATED GEN-TIE LINE
INTERCONNECTING THE GENERATING
FACILITY TO THE EXISTING MEAD-
PHOENIX 500kV TRANSMISSION LINE,
THE MEAD-LIBERTY 345kV
TRANSMISSION LINE OR THE
MOENKOPI-EL DORADO 500kV
TRANSMISSION LINE.

Docket No. L-00000NN-09-0541-
00151

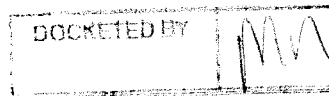
Case No. 151

**JOINDER IN COMMISSION
STAFFS' BRIEF ON MS.
BENSUSAN'S REQUEST FOR
REVIEW**

Arizona Corporation Commission

DOCKETED

MAR 18 2010




1 Denise Bensusan filed a Request for Review in this matter on February 26, 2010
2 based on the Power Plant and Transmission Line Siting Committee's refusal to grant her
3 intervention. On March 10, 2010, the Applicant, Hualapai Valley Solar LLC, submitted a
4 response opposing Ms. Bensusan's request for review. On March 16, 2010, Commission
5 Staff submitted a brief regarding Ms. Bensusan's request for review stating among other
6 things that the failure to allow Ms. Bensusan to intervene as a party in this case
7 "substantially impairs the record for purposes of the Commission's consideration of the
8 application." Commission Staff's Brief at 2. In order to cure the defect and obtain "a full
9 record," Staff recommends that the Commission grant the Application by an order with a
10 stay condition and reopen its decision under A.R.S. § 40-252 with an opportunity for
11 intervenors to be heard as parties. *Id.* According to Staff, at the conclusion of the A.R.S.
12 § 40-252 proceeding, the Commission could determine whether to deny or grant the
13 Application and modify its original decision accordingly. *Id.*

14 Ms. Bensusan joins the Commission Staff's Brief and supports the Staff's
15 recommendation. She is indifferent to the manner in which she is allowed to participate
16 as a party to these proceedings so long as she is permitted to intervene and is accorded
17 the rights of a party. As Ms. Bensusan pointed out in her Request for Review, there
18 appear to be only two options here: either deny the Application or adopt the approach
19 recommended by Staff. Ms. Bensusan continues to support either approach but defers to
20 the judgment of the Commission Staff that an A.R.S. § 40-252 proceeding is "an
21 expedient way to provide the Commission with a full record upon which to conduct its
22 mandatory statutory balancing." *Id.* at 8.

1 RESPECTFULLY SUBMITTED this 18th day of March, 2010.

2 ARIZONA CENTER FOR LAW IN
3 THE PUBLIC INTEREST

4 By 
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9 ORIGINAL and 28 COPIES of
10 the foregoing filed this 18th day
11 of March, 2010, with:

12 Docketing Supervisor
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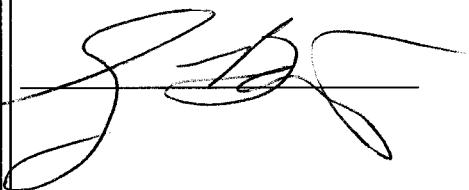
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